**216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CWP No. 14916 of 2020 (O&M)**
**Date of Decision: 25.02.2021**

Harjinder Singh Basra ....Petitioner

Versus

Canara Bank, BMC Chowk, Jalandhar ... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**
**HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Rajat Dogra, Advocate for
Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Nitin Grover, Advocate
for the respondent-Bank.

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**JASWANT SINGH, J. (ORAL)**

*[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]*

The petitioner was extended the benefit of Kisan Cash Credit Limit of Rs. 75 Lakh by the respondent-Canara Bank, BMC Chowk, Jalandhar on 07.04.2013. Due to non maintaining of financial discipline, the said account was declared NPA on 12.04.2016. The account of the petitioner was extended the benefit of the OTS scheme of the bank vide Sanction order dated 30.05.2020 (Annexure P-1). In terms of the sanctioned OTS, the petitioner was required to pay the remaining amounts of the outstanding amount as per scheduled below:-

"1. Rs. 30.00 lacs will be paid by 15.06.2020
2. Rs. 30 lacs will be paid by 15.07.2020
3. Rs. 10.50 lacs will be paid by 31.08.2020."

It was further covenanted that if the entire amount in terms of the compromise was not paid, the concession offered were treated to be withdrawn.

Hence, the present writ petition seeking a direction to extend the timeline of the modes of payment till 31.03.2021.

This Court while issuing notice of motion on 21.09.2020, passed the following order:-

> *"Case taken up through Video Conferencing.*
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> *Counsel for the petitioner has submitted that the loan account of the petitioner was settled under the One Time Settlement scheme for a sum of ₹ 78,00,000/-. Out of the said amount, the petitioner has already paid ₹ 7,50,000/- and was to pay ₹ 30,00,000/- by June, 2020, ₹ 30,00,000/- by July, 2020 and ₹ 7,50,000/- by August, 2020.*
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> *He has submitted that because of the lockdown and unprecedented conditions prevailing in the country due to the pandemic COVID-19, he could not arrange the aforesaid amount during this period, therefore, he has prayed for some more time to pay off the entire dues by March 2021. Counsel for the petitioner has submitted that the petitioner shall pay a sum of ₹ 30,00,000/- in the month of December, 2020, a sum of ₹ 30,00,000/- in the month of January, 2021 and the remaining amount till March, 2021.*
>
> *Notice of motion.*
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> *At this stage, Mr. Gaurav Goel, Advocate, who is stated to be on the panel of the respondent-Bank, accepts notice on behalf of the respondent and prays for time to file reply, if any.*
>
> *On his request, adjourned to 29.09.2020."*

In spite of the aforesaid concession, the petitioner did not deposit any amount. This Court again vide order dated 21.01.2021 directed the petitioner to pay the first outstanding installment of Rs. 30 Lakh before the next date of hearing i.e. 25.02.2021 before considering the prayer for extending the timeline of the OTS Scheme.

At the time of resumed hearing today, learned counsel for the respondent-Bank points out that since the declaration of the account as NPA on 12.04.2016, an amount of Rs. 7.5 Lakh by cheque was only made in March 2020 and the petitioner has miserably failed to honour the obligation of making payments even in terms of the extended time by this Court.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present writ petition.

Accordingly, the present writ petition is dismissed as withdrawn.

**(JASWANT SINGH)**
**JUDGE**

**(SANT PARKASH)**
**JUDGE**

25.02.2021
Maninder

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|---|---|---|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable | : | Yes/No |